

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

TERRANCE TRENT BATISTE,

Plaintiff,

v.

CORRECTIONAL OFFICER POLLARD, *et al.*,

Defendants.

CASE No. 7:20-cv-00258

ORDER

JUDGE NORMAN K. MOON

By order entered October 13, 2021, the Court referred this matter to United States Magistrate Judge Joel C. Hoppe to resolve a factual dispute concerning Plaintiff's exhaustion of administrative remedies. Dkt. 31. Judge Hoppe held a hearing on January 19, 2022, at which Plaintiff and others testified and exhibits were admitted into evidence. *See* Dkt. 43. Based on the evidence presented, Judge Hoppe concluded that Plaintiff had not met his burden to show that he exhausted his administrative remedies. Dkt. 56. Accordingly, by report and recommendation filed on May 6, 2022, Judge Hoppe recommended that Batiste's claims be dismissed. *Id.*

No objection to the report and recommendation has been filed, and the Court is of the opinion that the report and recommendation should be adopted in its entirety. The Magistrate's R&R is therefore **ADOPTED** in full, and the Complaint is **DISMISSED**. The Clerk is directed to strike this case from the Court's active docket.

It is so **ORDERED**.

The Clerk of Court is hereby directed to send a copy of this Order to the parties.

ENTERED this 3rd day of June 2022.



NORMAN K. MOON
SENIOR UNITED STATES DISTRICT JUDGE